

REMARKS

The Examiner's communication mailed June 28, 2004 has been received and carefully considered. In conformance with the applicable statutory requirements, this paper constitutes a complete reply and/or a bona fide attempt to advance the application to final action. Specifically, claims 1, 3-7, 9, 13 and 15 have been amended and new claims 16-26 have been added. In addition, detailed arguments in support of patentability are presented. Reexamination and/or reconsideration of the application as amended are respectfully requested.

Summary of the Office Action

Claim 15 stands allowed.

Claims 1-5 and 14 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Drinkwater (U.S. Patent No. 6,701,951).

Claims 6-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Drinkwater and Hoch, Jr. et al (U.S. Patent No. 5,240,028).

The Claims Distinguish Patentably Over the Reference(s) of Record

Claim 1 is directed to a system for monitoring and controlling one or more utility systems. Specifically, claim 1, as amended, calls for a main utility sensor on a utility system main supply line that at least one of detects and monitors passage of a utility through the utility main supply line. Applicant asserts that Drinkwater fails to disclose or fairly suggest a main utility sensor on a utility system main supply line. Rather, with reference to Figure 13, Drinkwater discloses remote sensors 1307, 1308, 1309 that, based upon what they detect, cause a motor controller 1306 to close a valve 1301 on a main water supply. There is no sensor on the main water supply line 1302.

Additionally, claim 1 calls for a controlled shutoff device on the utility system main supply line that is biased toward an open position and moveable toward a closed position upon receipt of an actuation signal wherein the utility is prevented from passing by the controlled shutoff device. In contrast, the Drinkwater valve functions in reverse. More particularly, motor 1306 only turns valve 1301 on when building occupancy is sensed and turns the valve 1301 off when building occupancy is not sensed. (Col. 6, lines 33-38). Thus, the valve

1301 in Drinkwater is biased toward a closed position and moveable toward an open position upon receipt of an actuation signal.

Accordingly, for at least these reasons, it is submitted that claim 1 and claims 2-13 and 16-19 dependent therefrom are in condition for allowance.

Applicant would like to highlight the limitation of dependent claim 3 which calls for a utility sensor and a motion sensor to indicate the occurrence of an abnormal event when at least one of (a) the occupancy sensor indicates that a building is unoccupied and the utility sensor indicates that the utility is one of (i) being used in excess of a specified unoccupied amount and (ii) being used continuously in excess of a specified unoccupied period of time; and (b) the occupancy sensor indicates that said building is occupied and said utility sensor indicates that said utility is one of (i) being used in excess of a specified occupied amount and (ii) being used continuously in excess of a specified occupied period of time. There is no disclosure of fair suggestion of the Drinkwater system functioning, or being modified to function, like the invention called for in claim 3. As already discussed above, Drinkwater uses an occupancy sensor to shutoff a valve when a building is unoccupied. There is no sensor disclosed that monitors or detects a utility, especially for purposes of determining whether the utility is being used in excess of a specified amount or being used continuously in excess of a specified period of time. Accordingly, it is submitted that claim 3 further distinguishes patentably over Drinkwater not only because claim 3 is dependent from claim 1, but for the additional reason set forth in this paragraph.

Applicant would also like to highlight the limitations of dependent claims 4 and 5. Dependent claim 4 calls for a local controlled shutoff device in addition to the controlled shutoff device on the utility system main supply line. Claim 5 calls for a local controlled shutoff device in addition to the controlled shutoff device on the utility system main supply line. Drinkwater fails to disclose or fairly suggest a local controlled shutoff device in addition to a controlled shutoff device on the utility system main supply line. From section 3 of the Office Action of June 28, 2004, the Examiner appears to be asserting that the valve 1301 is the controlled shutoff device called for in claim 1, but it is unclear what is being asserted as the local controlled shutoff device, which is called for in claims 4 and 5. There does not appear to be a local controlled shutoff device in Drinkwater. Accordingly, it is

submitted that claims 4 and 5 each further distinguish patentably over Drinkwater, not only because each depend from claim 1, but for the additional reasons set forth in this paragraph.

Claim 14 is yet another dependent claim that Applicant would like to highlight. Claim 14 calls for a second controlled shutoff device on a second utility system main supply line. Claim 14 further calls for the utility of claim 1 to be one of gas, electric or water and a second utility through the second utility system main supply line to be one of the other of gas, electric or water. Thus, claim 14 calls for a two utility system having two controlled shutoff devices, respectively, on each utility systems main supply line. There is no disclosure or fair suggestion of a two utility system in Drinkwater. Moreover, the Examiner has not cited any portion in Drinkwater supporting a two utility system. Accordingly, it is submitted that claim 14 further distinguishes patentably over Drinkwater, not only because claim 14 is dependent from claim 1, but for the additional reason set forth in this paragraph.

Claim 10, which is dependent from claim 1, calls for the processor of claim 1 to be connected to a battery backup power supply. The Examiner applies Drinkwater and Hoch Jr. et al. against claim 10 and uses these references to reject claim 10 under 35 U.S.C. § 103(a). However, in the Examiner's application of the applied references, there is no discussion of a battery backup power supply. Thus, it is unclear to Applicant how Drinkwater and Hoch Jr. et al. render claim 10 unpatentable. For this reason, Applicant asserts that claim 10 is separately patentable, not only because it depends from claim 1, but for the additional patentable feature called for in claim 10.

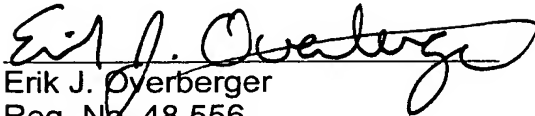
CONCLUSION

All formal and informal matters having been addressed, it is respectfully submitted that this application is in condition for allowance. It is believed that the claim changes clearly place the application in condition for allowance. Alternatively, if the Examiner is of the view that the amendments do not place the application in clear condition for allowance, it is requested that he telephone the undersigned for purposes of conducting a telephone interview to resolve any outstanding differences. In any case, an early notice of allowance is earnestly solicited.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

September 28, 2004
Date

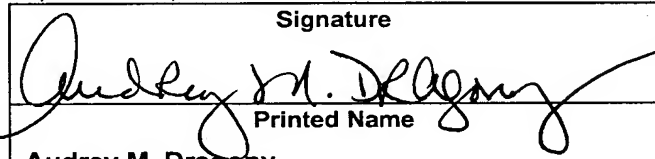

Erik J. Overberger
Reg. No. 48,556
1100 Superior Avenue
7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582

Certificate of Mailing

Under 37 C.F.R. § 1.8, I certify that this Amendment is being

- ☒ deposited with the United States Postal Service as First Class mail, addressed to: MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.
- ☐ transmitted via facsimile in accordance with 37 C.F.R. § 1.8 on the date indicated below.
- ☐ deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated below and is addressed to: MAIL STOP AMENDMENT, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Express Mail Label No.:
Date September 28, 2004

Signature 
Printed Name Audrey M. Dragony

N:\UHLZ\200002\3A\AMD0002811V001.doc